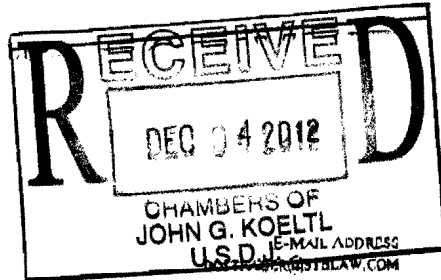


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December 4, 2012

Re: *DISH Network L.L.C. f/k/a/ Echostar Satellite L.L.C. v. ESPN, Inc., and ESPN Classic, Inc.*, No. 09 CIV 6875

Hon. John G. Koeltl  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Dear Judge Koeltl:

Together with the Fleunung Zulack firm, we are lead trial counsel for DISH in the above-captioned matter. We write in response to ESPN's December 4, 2012 letter regarding the filing of reply briefs in support of the various motions that were filed on November 19, 2012 in accordance with Your Honor's October 22, 2012 Order. Because DISH's Motion to Compel was a regularly-noticed motion, it is our understanding that we are entitled to file a reply brief in accordance with the Federal Rules of Civil Procedure and the Local Rules. With regard to the Motions *in Limine*, based on various colloquy with the Court, perhaps during a telephone conference, we were of the understanding that the Court expected the parties to submit reply briefs. Although we believe that reply briefs on the various *in limine* motions would be helpful to the Court, we will of course refrain from filing reply briefs if the Court does not believe that they are warranted.

*The Court would prefer that no reply briefs be filed on motions in limine or a motion to compel. The parties can be heard at the argument of the motions for any additional issues sought to be discussed.*

*So ordered.  
JGK  
U.S.D.J.  
12/4/12*

Respectfully,

*Barry R. Ostrager*  
Barry R. Ostrager

cc: All Counsel

BEIJING HONG KONG HOUSTON LONDON LOS ANGELES PALO ALTO SAO PAULO SEOUL TOKYO WASHINGTON D.C.

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